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8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 IN AND FOR THE COUNTY OF SISKIYOU

10 JOHN H. MASON, et al., )

11 Plaintiffs )

12 vs. )

13 HARRY M. BEMROD, et al., )

14 Defendants )  
15

No. 14478

JUDGMENT \*

16 The above-entitled cause having been filed for the  
17 determination of certain rights to the waters of the French Creek  
18 stream system in Siskiyou County; said cause having been referred  
19 to the Department of Public Works, State of California, as  
20 Referee; said Referee having filed its final report in Court on  
21 July 5, 1956; R. E. Richman and five others having filed excep-  
22 tions to said report of referee, and the time for filing  
23 exceptions thereto having thereafter expired; the State Water  
24 Rights Board having succeeded the Division of Water Resources  
25 of the Department of Public Works as referee herein by Section  
26 179 of the Water Code (added by Statutes of 1956, First Extra  
27 Session, Chapter 52, effective July 5, 1956, as Section 189;  
28 renumbered as Section 179); said cause having been regularly set  
29 for hearing and trial before this Court sitting without a jury,  
30 on the \_\_\_\_\_ day of \_\_\_\_\_, 1958, on which date said  
31 cause came on for hearing and trial; appearances at said trial

1 having been made on behalf of the parties as follows:

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9 evidence both oral and documentary having been submitted,  
10 including said final report of Referee, and the cause having  
11 been submitted and the Court having made and filed herein its  
12 findings of fact and conclusions of law; now, therefore, in  
13 accordance therewith,

14  
15 IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

16 All of the rights and interests of all of the parties  
17 hereto of whatsoever kind and character, in and to the waters of  
18 French Creek stream system in Siskiyou County, California, and  
19 in and to the use thereof, are hereby finally settled and deter-  
20 mined as hereinafter set forth in the parties as specified, for  
21 use upon the lands, in the amounts, subject to the priorities,  
22 and at the diversion points as set forth in tables numbered one,  
23 two, three, four, five, and six, which said tables are annexed  
24 hereto and hereby, by this reference thereto, made part and  
25 parcel hereof; and further subject to, and in accordance with  
26 the following paragraphs of this judgment.

27 General Definitions and Limitations

28  
29 1.

30 This judgment adjudicates the entire water right of  
31 each and every party hereto as against each and every other party

1 hereto, with like effect as if the pleadings in said action  
2 properly embraced and included the relative rights, and the whole  
3 thereof, of each and every party hereto as against each and every  
4 other party hereto, irrespective of and without regard to their  
5 status as plaintiffs or defendants and said Court hereby enters  
6 such judgment based upon a finding that the justice of the case  
7 requires it, and in accordance with Section 578 of the Code of  
8 Civil Procedure.

9  
10 2.

11 Nothing contained in this judgment shall, or shall be  
12 construed to, in any manner, prejudice or affect any right,  
13 claim or defense of any party with respect to or against any  
14 person, firm, corporation or interest which is not a party to  
15 this proceeding.

16 The term "party" when herein used means party to this  
17 proceeding who has been served with process or has voluntarily  
18 made a general appearance herein, and includes parties substituted  
19 or joined by order of the Court. Said parties are listed  
20 alphabetically in table 5 annexed hereto, which describes their  
21 respective places of use.

22  
23 3.

24 The term "stream system" when used herein means  
25 French Creek and its tributaries; the term "water right owners"  
26 when used herein means a party who is presently using or is  
27 entitled to use the water of French Creek stream system.

28  
29 4.

30 Although all quantities of water allotted to respective  
31 parties for direct application to beneficial use are expressed in

1 terms of continuous flow, nevertheless, nothing herein contained  
2 shall be construed as limiting or restricting the right of any  
3 water right owner to rotate in the use of water or the right of  
4 any party to divert for limited periods of time convenient  
5 "irrigation heads", and thus apply water to his lands at a  
6 greater rate than indicated by the quantity of continuous flow  
7 so allotted; provided, that such practice of rotation or use of  
8 "irrigation head" shall not result in the use by any party of a  
9 total quantity of water during any thirty-day period in excess  
10 of the equivalent of such parties continuous flow allowance for  
11 thirty days; and provided further, that this practice of rotation  
12 or use of "irrigation heads" shall not impair or infringe the  
13 rights of any other party.

14 5.  
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16 Nothing herein contained shall be construed to prevent  
17 any parties herein, who jointly use a ditch for which there is a  
18 continuous flow allotment, from employing by agreement a system  
19 of rotation in use as among themselves; or prevent any party  
20 herein who has allotments in two or more ditches, from using all  
21 or any portion of the aggregate of such allotments through any of  
22 these ditches on all or any portion of his lands; provided the  
23 total quantity of water diverted by such party at any time shall  
24 not exceed the aggregate of such allotments; and provided further,  
25 such practice of rotation or use of combined allotments shall  
26 not impair or infringe the rights of any other party hereto.

27 The agreement entered into between Harvey A. Green  
28 and R. E. Richman and Vera M. Richman dated January 28, 1958,  
29 entitled "Amended Stipulation," and filed herein on March 6,  
30 1958, is found and decreed to be a rotation agreement hereby  
31 authorized.

1 6.

2 The term "directly apply to beneficial use" means  
3 the direct conveyance and application of water diverted to  
4 beneficial use without intermediate storage, except such  
5 regulation as may be practiced for the purpose of equalizing  
6 the flow of water diverted for a convenient irrigation head.  
7

8 7.

9 The term "natural flow" means such flow as will  
10 naturally occur at any given point in a stream from the runoff  
11 of the watershed which it drains, from springs which naturally  
12 contribute to the stream, from seepage, and from waste and  
13 return flow from dams, conduits, and irrigated lands, as dis-  
14 tinguished from released stored water.  
15

16 8.

17 Nothing herein contained shall be construed to allocate  
18 to any party hereto a right to divert from French Creek stream  
19 system, at any time, a quantity of water in excess of an amount  
20 reasonably necessary for his requirements and applied to  
21 beneficial use.  
22

23 9.

24 The Division of Water Resources Map, hereinafter  
25 referred to as D.W.R. Map or as Plate 1, is the map prepared by  
26 the Department of Public Works of the State of California,  
27 Division of Water Resources, from its surveys made in 1953 and  
28 revised in 1955, to show changes in ownership and additional  
29 diversions. Said map is entitled "French Creek Stream System  
30 showing Diversions and Irrigated Lands, Siskiyou County,  
31 California" dated 1953, revised 1955, and is by reference made

1 part and parcel of this judgment.

2 Definition of Water Rights

3  
4 10.

5 The respective parties hereto are entitled to rights  
6 in and to the water, and in and to the use thereof, from the  
7 stream system and are divided into four separate groups,  
8 designated as follows: (1) Springs and Unnamed Stream Group  
9 (Table 1), (2) North Fork French Creek Group (Table 2),  
10 (3) Miners Creek Group (Table 3), and (4) French Creek, Payne  
11 Lake Creek, Horse Range Creek, and Duck Lake Creek Group (Table  
12 4). All rights in Group 1 (Springs and Unnamed Streams) are  
13 independent of each other and superior to the rights in all  
14 other groups. The rights in Group 2 (North Fork French Creek)  
15 and in Group 3 (Miners Creek) are each independent of the rights  
16 in all other groups and are each superior to all rights in  
17 Group 4 (French Creek, Payne Lake Creek, Horse Range Creek and  
18 Duck Lake Creek).

19  
20 11.

21 The respective parties are entitled to use of the  
22 water from French Creek stream system upon the respective places  
23 of use described under their names in Table 5, and are entitled  
24 to divert water at the respective points of diversion from the  
25 stream system as named, numbered, and described in Table 6.

26 The respective parties are entitled to "interrelated",  
27 "special class", and "surplus class" rights. The respective  
28 parties entitled to "special class" rights are set forth in  
29 Table 1 Springs and Unnamed Streams Group, and the respective  
30 parties entitled to "interrelated" rights are set forth in  
31 Tables 2, 3 and 4 North Fork French Creek Group, Miners Creek

1 Group and French Creek, Payne Lake Creek, Horse Range Creek and  
2 Duck Lake Creek Group respectively. The North Fork French Creek  
3 Group contains one right in "surplus class" as hereinafter set  
4 forth in Paragraph 16 of this judgment which right is subject to  
5 and inferior to all rights in North Fork French Creek Group.  
6

7 12.

8 All allotments in Springs and Unnamed Springs Group  
9 are for continuous use without regard to season. All allotments  
10 in North Fork French Creek Group, Miners Creek Group, and French  
11 Creek, Payne Lake Creek, Horse Range Creek and Duck Lake Creek  
12 Group, Tables 2, 3 and 4, respectively, are for continuous use  
13 without regard to season but are limited during the period from  
14 October 1 of each year to March 31 of the succeeding year to the  
15 amount required for domestic, stock water or other beneficial  
16 use.  
17

18 Definition of Water Rights in  
19 Springs and Unnamed Streams Group

20 13.

21 The Springs and Unnamed Streams Group, as designated  
22 in Paragraph 10, comprises rights in and to the water, and in  
23 and to the use thereof, from Springs and Unnamed Streams. Rights  
24 in this Group, as set forth in Table 1 and defined in Paragraph  
25 10, are independent of each other and superior to all other  
26 rights.  
27

28 Definition of Water Rights in  
29 North Fork French Creek Group

30 14.

31 The North Fork French Creek Group, comprises all rights

1 in and to the use of water from North Fork French Creek. Rights  
2 in this group as set forth in Table 2 are interrelated with each  
3 other as defined in Paragraph 15, are independent of the rights  
4 in Miners Creek Group, and superior in right to French Creek,  
5 Payne Lake Creek, Horse Range Creek Group.

6  
7 15.

8 The respective parties enumerated in Table 2 are en-  
9 titled to rights in "first priority class", "second priority  
10 class", and "third priority class", in and to the use of the  
11 natural flow of North Fork French Creek and its tributaries  
12 during the seasons stated in Paragraph 12 of this judgment for  
13 domestic, stockwatering, and irrigation purposes upon their lands  
14 as shown on DWR Map and as described under their respective names  
15 in Table 5 in accordance with the acreages to be supplied,  
16 priorities and quantities of water allotted at the points of  
17 diversion, as numbered and as shown after their names in Table 2.  
18 The rights in "first priority class" are equal in priority and  
19 correlative in right but are superior in priority and in right  
20 to all other rights in Table 2, and at all times when the  
21 available water supply of North Fork French Creek and its  
22 tributaries is inadequate to supply all rights in "first priority  
23 class", then during the continuance of such shortage, the  
24 respective parties shall prorate the available water supply in  
25 accordance with their allotments in "first priority class". The  
26 rights in "second priority class" are equal in priority and  
27 correlative in right, are subject and inferior to the rights in  
28 "first priority class", but are superior in priority and in  
29 right to all other rights in Table 2, and at all times when the  
30 available water supply of North Fork French Creek and its  
31 tributaries is inadequate to supply all rights in "second



1 priority class", then during the continuance of such shortage,  
2 the respective parties shall prorate the available supply, if  
3 any, in excess of the quantity required to supply prior rights  
4 in accordance with their allotments in "second priority class".  
5 The rights in "third priority class" are equal in priority and  
6 correlative in right but are subject and inferior to all other  
7 rights in Table 2, and at all times when the available water  
8 supply of North Fork French Creek and its tributaries is in-  
9 adequate to supply all rights in "third priority class", then  
10 during the continuance of such shortage, the respective parties  
11 shall prorate the available water supply, if any, in excess of  
12 the quantity required to supply prior rights in accordance with  
13 their allotments in "third priority class", provided, however,  
14 that nothing herein contained shall be construed as modifying the  
15 provisions of that certain agreement dated May 3, 1945, recorded  
16 May 4, 1945, Volume 172, Page 103, of Official Records of  
17 Siskiyou County, California, concerning ditch rights and method  
18 of distribution of water diverted through the North Fork Ditch  
19 as between the owners of said ditch; provided, further, that  
20 nothing herein shall be construed as modifying the provisions  
21 of the "Amended Stipulation" entered into between Harvey A. Green  
22 and R. E. Richman and Vera M. Richman, filed herein on March 6,  
23 1958.

24  
25 16.

26 Subject to the rights defined in Paragraph 15, R. E.  
27 Richman, Vera M. Richman; Calvin A. Ball, Velda C. Ball;  
28 John T. Timmons, Marion F. Timmons; Warren J. Halliday,  
29 Negra Halliday; Carl F. Tuttle, Sr., and Robert V. Tuttle are  
30 entitled to divert as a right in "surplus class" at a point  
31 designated on said D.W.R. Map as Diversion 15 described in

Table 6 hereof for storage in Smith Lake 80 acre-feet per annum during each season from October 1 to July 1 of the next succeeding year for domestic, stockwatering, and irrigation purposes, or as much of said amount of water as is thereafter withdrawn by means of Smith Lake Siphon into North Fork French Creek during the period from April 1 to October 1, both dates inclusive of each year, said water to be rediverted from North Fork French Creek through the North Fork Ditch and applied to beneficial use for irrigation purposes on lands described under their names in Table 5.

Each of the parties is entitled to use said water from Smith Lake in proportion to his interest in Smith Lake Siphon as follows:

<u>Name of Owner</u>	<u>Interest</u>
R. E. Richman and Vera M. Richman	3/21
Calvin A. Ball and Velda C. Ball	3/21
John T. Timmons and Marion F. Timmons	1/21
Carl F. Tuttle, Sr. and Robert V. Tuttle	7/21
Warren J. Halliday and Negra Halliday	7/21

provided, however, that nothing herein contained shall be construed as modifying the provisions of that certain agreement dated May 3, 1945, recorded May 4, 1945, in Volume 172, Page 103, of Official Records of Siskiyou County, concerning ditch rights and method of distribution of water diverted through the North Fork Ditch as between the owners of said ditch.

17.

The right of Valdmar J. Berthelsen and Katie C. Berthelsen to use 0.46 cubic foot per second through the North Fork Ditch is subject to the exclusive control of the North Fork Ditch owners R. E. Richman and Vera M. Richman, Calvin A. Ball

1 and Velda C. Ball, Warren J. Halliday and Negra Halliday,  
2 Carl F. Tuttle, Sr., Robert V. Tuttle, John T. Timmons and  
3 Marion F. Timmons, their heirs, successors and assigns.

4  
5 18.

6 The right of Calvin A. Ball and Velda C. Ball to use  
7 0.12 cubic foot per second through the North Fork Ditch is sub-  
8 ject to the exclusive control of the North Fork Ditch owners  
9 R. E. Richman and Vera M. Richman, Calvin A. Ball and Velda C.  
10 Ball, Warren J. Halliday and Negra Halliday, Carl F. Tuttle, Sr.,  
11 Robert V. Tuttle, John T. Timmons and Marion F. Timmons, their  
12 heirs, successors and assigns.

13 Definition of Water Rights  
14 in Miners Creek Group

15  
16 19.

17 The Miners Creek Group comprises all rights in and to  
18 the water and in and to the use of water from Miners Creek.  
19 Rights in this group, as set forth in Table 3, are interrelated  
20 with each other, as defined in Paragraph 20, are independent of  
21 the rights in North Fork French Creek Group and superior in  
22 right to French Creek, Payne Lake Creek, Horse Range Creek and  
23 Duck Lake Creek Group.

24  
25 20.

26 The respective parties enumerated in Table 3 are en-  
27 titled to rights in "first priority class", "second priority  
28 class", and "third priority class" in and to the use of the  
29 natural flow of Miners Creek and its tributaries during the  
30 seasons stated in Paragraph 12 of this judgment for domestic,  
31 stockwatering, and irrigation purposes upon their lands as shown

1 on D.W.R. Map and as described under their names in Table 5 in  
2 accordance with the acreages to be supplied, priorities and  
3 quantities of water allotted, at the points of diversion as  
4 numbered and as shown after their respective names in Table 3.  
5 The rights in "first priority class" are equal in priority and  
6 correlative in right but are superior in priority and in right  
7 to all other rights in Table 3, and at all times when the avail-  
8 able water supply of Miners Creek and its tributaries is  
9 inadequate to supply all rights in "first priority class", then  
10 during the continuance of such shortage, the respective parties  
11 shall prorate the available water supply in accordance with  
12 their allotments in "first priority class". The rights in  
13 "second priority class" are equal in priority and correlative in  
14 right, are subject and inferior to rights in "first priority  
15 class", but are superior in priority and in right to all other  
16 rights in Table 3, and at all times when the available water  
17 supply of Miners Creek and its tributaries is inadequate to  
18 supply all rights in "second priority class", then during the  
19 continuance of such shortage, the respective parties shall pro-  
20 rate the available supply, if any, in excess of the quantity  
21 required to supply prior rights, in accordance with their  
22 allotments in "second priority class". The rights in "third  
23 priority class" are equal in priority and correlative in right  
24 but are subject and inferior to all other rights in Table 3,  
25 and at all times when the available water supply of Miners Creek  
26 and its tributaries is inadequate to supply all rights in "third  
27 priority class" then during the continuance of such shortage,  
28 the respective parties shall prorate the available water supply,  
29 if any, in excess of the quantity required to supply prior rights,  
30 in accordance with their allotments in "third priority class".  
31

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The French Creek, Payne Lake Creek, Horse Range Creek and Duck Lake Creek Group comprises all rights in and to the use of water in French Creek, Payne Lake Creek, Horse Range Creek, and Duck Lake Creek. This group contains rights in seven priority classes as set forth in Table 4 and defined in Paragraph 22 of this judgment.

The respective parties enumerated in Table 4 are entitled to rights in "first priority class", "second priority class", "third priority class", "fourth priority class", "fifth priority class", "sixth priority class", and "seventh priority class", in and to the use of the natural flow of French Creek, Payne Lake Creek, Horse Range Creek, and Duck Lake Creek, and their tributaries during the season stated in Paragraph 12 of this judgment for domestic, stockwatering, industrial, power, and irrigation purposes upon their lands as shown on Plate 1 and as described under their respective names in Table 5 in accordance with the acreages to be supplied, priorities and quantities of water allotted, at the points of diversion as numbered and as shown after their names in Table 4. The rights in "first priority class" are equal in priority and correlative in right but are superior in priority and in right to all other rights in Table 4, and at all times when the available water supply of French Creek, Payne Lake Creek, Horse Range Creek, and Duck Lake Creek and their tributaries is inadequate to supply all rights in "first priority class", then during the continuance of such shortage, the respective parties shall prorate the available

1 water supply in accordance with their allotments in "first  
2 priority class". The rights in "second priority class" are equal  
3 in priority and correlative in right, are subject and inferior  
4 to rights in "first priority class", but are superior in priority  
5 and in right to all other rights in Table 4, and at all times  
6 when the available water supply of French Creek, Payne Lake Creek,  
7 Horse Range Creek, and Duck Lake Creek and their tributaries is  
8 inadequate to supply all rights in "second priority class", then  
9 during the continuance of such shortage, the respective parties  
10 shall prorate the available supply, if any, in excess of the  
11 quantity required to supply prior rights, in accordance with  
12 their allotments in "second priority class". The rights in  
13 "third priority class" are equal in priority and correlative in  
14 right, are subject and inferior to rights in "first priority  
15 class" and in "second priority class", and are superior in  
16 priority and in right to all other rights in Table 4, and at all  
17 times when the available water supply of French Creek, Payne  
18 Lake Creek, Horse Range Creek and Duck Lake Creek and their  
19 tributaries is inadequate to supply all rights in "third priority  
20 class", then during the continuance of such shortage, the  
21 respective parties shall prorate the available supply, if any,  
22 in excess of the quantity required to supply prior rights, in  
23 accordance with their allotments in "third priority class". The  
24 rights in "fourth priority class" are equal in priority and  
25 correlative in right, are subject and inferior to rights in  
26 "first priority class", "second priority class", and "third  
27 priority class", but are superior in priority and in right to  
28 all other rights in Table 4, and at all times when the available  
29 water supply of French Creek, Payne Lake Creek, Horse Range  
30 Creek and Duck Lake Creek and their tributaries is inadequate to  
31 supply all rights in "fourth priority class", then during the

1     continuance of such shortage, the respective parties shall  
2     prorate the available supply, if any, in excess of the quantity  
3     required to supply prior rights, in accordance with their allot-  
4     ments in "fourth priority class". The rights in "fifth priority  
5     class" are equal in priority and correlative in right, but are  
6     subject and inferior to rights in "first priority class", "second  
7     priority class", "third priority class", and "fourth priority  
8     class", but are superior in priority and in right to all other  
9     rights in Table 4, and at all times when the available water  
10    supply of French Creek, Payne Lake Creek, Horse Range Creek and  
11    Duck Lake Creek and their tributaries is inadequate to supply all  
12    rights in "fifth priority class", then during the continuance of  
13    such shortage, the respective parties shall prorate the available  
14    water supply in accordance with their allotments in "fifth  
15    priority class". The rights in "sixth priority class" are equal  
16    in priority and correlative in right, but are subject and in-  
17    ferior to rights in "first priority class", "second priority  
18    class", "third priority class", "fourth priority class", and  
19    "fifth priority class", but are superior in priority and in right  
20    to all other rights in Table 4, and at all times when the  
21    available water supply of French Creek, Payne Lake Creek, Horse  
22    Range Creek and Duck Lake Creek and their tributaries is in-  
23    adequate to supply all rights in "sixth priority class", then  
24    during the continuance of such shortage, the respective parties  
25    shall prorate the available water supply in accordance with their  
26    allotments in "sixth priority class". The rights in "seventh  
27    priority class" are equal in priority and correlative in right,  
28    but are subject and inferior to all other rights in Table 4, and  
29    at all times when the available water supply of French Creek,  
30    Payne Lake Creek, Horse Range Creek and Duck Lake Creek and their  
31    tributaries is inadequate to supply all rights in "seventh

1 priority class", then during the continuance of such shortage,  
2 the respective parties shall prorate the available water supply  
3 in accordance with their allotments in "seventh priority class".  
4 Provided, however, the right of Valdmarr J. Berthelsen and  
5 Katie C. Berthelsen to divert 0.24 cubic foot per second through  
6 the Richman Ditch be subject to the control of R. E. Richman and  
7 Vera M. Richman and Harvey A. Green; the right of Calvin A. Ball  
8 and Velda C. Ball to divert 0.29 cubic foot per second through  
9 the Green Ditch be subject to the control of Harvey A. Green;  
10 and that the total amount of water which can be diverted by  
11 Alphonso J. Fuglistaler from Miners Creek or from water brought  
12 into Miners Creek from French Creek shall not exceed 1.06 cubic  
13 feet per second.

14 23.  
15

16 All water diverted by J. D. Proctor and Ruth A. Proctor  
17 from Payne Lake Creek as set forth in Table 4 through the Proctor  
18 Payne Lake Creek Ditch for the purpose of operating a power wheel  
19 situated in the northeast quarter of Section 32, Township 41  
20 North, Range 9 West, MDB&M, shall be returned to French Creek  
21 above the point of diversion of the Bemrod Ditch.  
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TABLE 1

ALLOTMENTS TO PARTIES FROM  
SPRINGS AND UNNAMED STREAMS

Name of user	: :Acreage : to be :supplied :	: Diver- : sion : number : as per :Plate 1	: : : Name of source : :	: : :Allotments :in cubic feet :per second	: : :Total
Robert E. and Louise Lewis	41.0	27 or 28	Unnamed streams tributary to Miners Creek	0.68	0.68
Alphonso J. Fuglistaler	Domestic	34	Fuglistaler House	0.02	0.02
H. J. Danielson and Elinore Danielson	Domestic	31	Tripp House Spring	0.02	0.02
	Domestic	32	Tripp Stock Spring	0.01	0.01
Eslie E. and William M. Cory	Domestic	38	Cory Spring	0.01	0.01
J. D. and Ruth A. Proctor	Domestic	6	Unnamed Spring tributary to French Creek	0.04	0.04
	Domestic	9	Proctor Domestic Spring	0.02	0.02
	Domestic	12	Proctor Spring	0.01	0.01
John H. and Eleanor A. Mason	Domestic	41 or 42	Mason Spring	0.02	0.02
Valdmar J. and Katie C. Berthelsen	Domestic	46	Berthelsen Spring	0.01	0.01
TOTALS	41.0				0.84

TABLE 2

PRIORITIES AND ALLOTMENTS TO PARTIES  
FROM NORTH FORK FRENCH CREEK

Name of user	: Acreage : to be : supplied :	: Diver- : sion : number : as per : DWR map :	Name of : source :	Allotments			
				: in cubic feet per second			
				: Priorities			: Total
				: 1	: 2	: 3	:
Long-Bell Lumber Company	19.2	16	North Fork of French Creek	0.38			0.38
W. H. Munson	1.0	16	North Fork of French Creek	0.02			0.02
John T. Timmons and Marion F. Timmons	78.8	17	North Fork of French Creek	0.94			0.94
Carl F. Tuttle Sr. Robert V. Tuttle	200.5	17	North Fork of French Creek	2.82			2.82
Warren J. and Negra Halliday	24.1	17	North Fork of French Creek	0.16			0.16
Calvin A. and Velda C. Ball	112.6	17	North Fork of French Creek	1.41	0.12		1.53
Valdmar J. and Katie C. Berthelsen	27.6	17	North Fork of French Creek		*0.46		*0.46
Oscar A. and Edlean R. Lolax	7.6	18	North Fork of French Creek	0.12			0.12
R. E. and Vera M. Richman	140.0	17	North Fork of French Creek	1.41			1.41
Southern Pacific Land Co.	8.2	18 or 19	North Fork of French Creek	0.14			0.14
TOTALS	619.6			6.74	0.66	0.58	7.98

\* Use through diversion 17 as defined in Paragraph 17.

TABLE 3

PRIORITIES AND ALLOTMENTS TO PARTIES  
FROM MINERS CREEK

Name of user	: Acreage : : to be : : supplied :	: Diver- : : sion : : number : : as per : : DWR map :	: Name : : of : : source :	: Allotments			
				: in cubic feet per second			
				: Priorities			: Total
				: 1	: 2	: 3	:
Robert E. and Louise Lewis	11.8	25 or 26	Miners Creek	0.20			0.20
Alphonso J. Fuglistaler	53.0	29	Miners Creek		1.06 <sup>a</sup>		1.06 <sup>a</sup>
H. J. Danielson and Elinore Danielson	10.4	30	Miners Creek	0.17			0.17
Robert E. and Louise Lewis	73.2	33	Miners Creek	1.22 <sup>b</sup>			1.22 <sup>b</sup>
	6.8	35	Miners Creek		0.14		0.14
Harry M. and Martha B. Bemrod	1.6	37	Miners Creek		0.03		0.03
Eslie E. and William M. Cory	17.8	36	Miners Creek	0.25			0.25
Walter L. Byers and Barbara J. Byers	7.7	35A	Miners Creek		0.13 <sup>b</sup>		0.13 <sup>b</sup>
TOTALS	182.3			0.45	1.39	1.36	3.20

<sup>a</sup> To be taken from Miners Creek when available without interfering with prior rights. If not so available from Miners Creek diversion shall be made from Duck Lake Creek as shown in Table 4.

<sup>b</sup> If water is not available from Miners Creek, diversion shall be made from French Creek as shown in Table 4.

TABLE 4  
PRIORITIES AND ALLOTMENTS TO PARTIES FROM  
FRENCH CREEK, PAYNE LAKE CREEK, HORSE RANGE CREEK, AND DUCK LAKE CREEK

Name of party	Acreage to be supplied	Diversion: number as per Plate 1	Name of source	Allotments, in cubic feet per second							Total
				Priorities							
				1	2	3	4	5	6	7	
Alphonso J. Fuglistaler	53.0	2	Duck Lake Creek				2.50 <sup>a</sup>				2.50 <sup>a</sup>
H. J. and Elinore Elinore Danielson	86.5	3	French Creek				2.08				2.08
Robert E. and Louise Lewis	84.4	4	French Creek				2.33 <sup>b</sup>				2.33 <sup>b</sup>
J. D. and Ruth A. Proctor	7.7	5	French Creek				0.13				
	8.0	7	Horse Range Creek				0.13				
	2.4	8	Horse Range Creek				0.04				
	Domestic	8A	Horse Range Creek				0.10				
	Power <sup>c</sup>	10	Payne Lake Creek				0.90				
	41.8	10	Payne Lake Creek				0.70				
	Domestic	10A	Payne Lake Creek				0.10				2.10 <sup>c</sup>
Harry M. and Martha B. Bemrod	74.6	11	French Creek				1.00	0.92			1.92
Walter L. and Barbara B. Byers	19.0	11	French Creek				0.44				0.44
Vernon M. Reichert	Domestic	12B	French Creek				0.02				0.02
Charles F. Thompson	Domestic	12C	French Creek				0.02				0.02
Henry and May Aker	2.0	13	French Creek				0.03				
	4.8	14	French Creek				0.08				0.11
Eslie E. and William M. Cory	27.8	20	French Creek				0.58				0.58
John H. and Eleanor A. Mason	18.4	20	French Creek				0.38				
	99.5	23 or 39	French Creek				1.42				
	16.4	40	French Creek					0.23			2.03
Harvey A. Green	70.0	20	French Creek				1.46				
	16.4	43	French Creek					0.23 <sup>d</sup>			
	125.6	44	French Creek				0.25 <sup>d</sup>	1.55 <sup>d</sup>			3.49
Oscar A. and Edlean R. Lolax	19.3	21 & 24	French Creek				0.25	0.07			
	10.1	22	French Creek					0.17			0.49
R. E. and Vera M. Richman	269.2	43	French Creek				0.25 <sup>d</sup>	3.60 <sup>d</sup>			3.85
Long-Bell Lumber Company	Industrial	45	French Creek					0.25			0.25
Violet H. Faustina	Domestic	12A	French Creek				0.02				0.02
Valdmar J. and Katie C. Berthelsen	16.8	43	French Creek					0.24			
	10.8	47	French Creek					0.15			0.39
Calvin A. and Velda C. Ball	14.4	43	French Creek					0.21			
	25.3	47	French Creek					0.40			
	9.8	47A	French Creek						0.21		
	20.5	44	French Creek						0.29		1.11
Madelyn Browne	53.2	48	French Creek							0.76	0.76
TOTALS	1,526.2			5.36	5.65	4.00	6.74	1.48	0.29	0.97	24.49

- a The amount of water delivered to the southerly boundary of the Alphonso J. Fuglistaler ranch shall not exceed 1.06 cubic feet per second.
- b The amount of water diverted from either French Creek or Miners Creek when measured at the head of the Cail South ditch (Diversion 33) shall not exceed 1.46 cubic feet per second.
- c Water diverted for power purposes is to be returned unimpaired to Payne Lake Creek and shall be so considered in deriving the water supply available for other rights.
- d Subject to rotation agreement. (See paragraph 5 above.)

TABLE 5  
DESCRIPTION OF PLACES OF USE

✓ Henry Aker and May Aker

2.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 28, T41N, R9W, MDB&M.  
4.8 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 28, T41N, R9W, MDB&M.  
 6.8 acres - Total

✓ Calvin A. Ball and Velda C. Ball

36.8 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 10, T41N, R9W, MDB&M.  
 6.4 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 10, T41N, R9W, MDB&M.  
 18.2 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 10, T41N, R9W, MDB&M.  
 3.2 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 10, T41N, R9W, MDB&M.  
 27.0 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 10, T41N, R9W, MDB&M.  
 19.8 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 11, T41N, R9W, MDB&M.  
 16.0 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 11, T41N, R9W, MDB&M.  
 2.0 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 10, T41N, R9W, MDB&M.  
 27.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 11, T41N, R9W, MDB&M.  
31.2 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 11, T41N, R9W, MDB&M.  
 187.6 acres - Total

✓ Harry M. Bemrod and Martha B. Bemrod

14.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 22, T41N, R9W, MDB&M.  
 28.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 22, T41N, R9W, MDB&M.  
 5.2 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 27, T41N, R9W, MDB&M.  
 26.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 27, T41N, R9W, MDB&M.  
3.0 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 28, T41N, R9W, MDB&M.  
 76.2

✓ Valdmar J. Berthelsen and Katie C. Berthelsen

22.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 10, T41N, R9W, MDB&M.  
 16.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 10, T41N, R9W, MDB&M.  
 ✓ 17.2 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 15, T41N, R9W, MDB&M.  
 55.2 acres - Total

Madelyn Browne to Charles H. Peckham Jr. M.D. 10-9-56  
 Sara G. Peckham

0.8 acre in SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 2, T41N, R9W, MDB&M.  
 17.6 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 11, T41N, R9W, MDB&M.  
 10.4 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 11, T41N, R9W, MDB&M.  
 12.4 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 11, T41N, R9W, MDB&M.  
12.0 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 11, T41N, R9W, MDB&M.  
 53.2 acres - Total

379 477

TABLE 5  
DESCRIPTION OF PLACES OF USE  
(continued)

✓ Walter L. Byers and Barbara J. Byers

19.0 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 27, T41N, R9W, MDB&M.

✓ William M. Cory and Eslie E. Cory

2.4 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 22, T41N, R9W, MDB&M.  
16.8 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 22, T41N, R9W, MDB&M.  
26.4 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 22, T41N, R9W, MDB&M.  
45.6 acres - Total

Jorgen H.

✓ H. J. Danielson and Elinore E. Danielson

32.8 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 33, T41N, R9W, MDB&M.  
21.2 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 33, T41N, R9W, MDB&M.  
12.8 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 33, T41N, R9W, MDB&M.  
14.4 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 33, T41N, R9W, MDB&M.  
0.3 acre in NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 33, T41N, R9W, MDB&M.  
3.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 33, T41N, R9W, MDB&M.  
12.4 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 33, T41N, R9W, MDB&M.  
96.9 acres - Total

✓ Violet H. Faustina

3.6 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 28, T41N, R9W, MDB&M.

✓ Alphonso J. Fuglistaler

\*0.3 acre in NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 34, T41N, R9W, MDB&M.  
\*1.6 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 34, T41N, R9W, MDB&M.  
\*0.7 acre in NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 34, T41N, R9W, MDB&M.  
10.4 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 34, T41N, R9W, MDB&M.  
10.4 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 34, T41N, R9W, MDB&M.  
11.2 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 34, T41N, R9W, MDB&M.  
18.4 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 34, T41N, R9W, MDB&M.  
53.0 acres - Total

402 - 542

✓ Harvey A. Green

40.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 11, T41N, R9W, MDB&M.  
32.8 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 11, T41N, R9W, MDB&M.  
40.0 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 14, T41N, R9W, MDB&M.  
2.0 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 14, T41N, R9W, MDB&M.  
16.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 14, T41N, R9W, MDB&M.  
36.4 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 14, T41N, R9W, MDB&M.  
28.4 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 15, T41N, R9W, MDB&M.  
16.4 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 15, T41N, R9W, MDB&M.  
212.0 acres - Total

\* Denotes land irrigated outside of property line.

TABLE 5  
DESCRIPTION OF PLACES OF USE  
(continued)

Warren J. Halliday and Negra Halliday

1.1 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 34, T42N, R9W, MDB&M.  
22.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 34, T42N, R9W, MDB&M.  
1.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 34, T42N, R9W, MDB&M.  
24.1 acres - Total

Robert E. Lewis and Louise Lewis

24.8 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 27, T41N, R9W, MDB&M.  
12.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 27, T41N, R9W, MDB&M.  
17.2 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 27, T41N, R9W, MDB&M.  
4.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 27, T41N, R9W, MDB&M.  
27.2 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 27, T41N, R9W, MDB&M.  
4.8 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 27, T41N, R9W, MDB&M.  
1.2 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 28, T41N, R9W, MDB&M.  
91.2 acres - Total

Robert E. Lewis and Louise Lewis

8.8 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 8, T40N, R9W, MDB&M.  
30.8 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 8, T40N, R9W, MDB&M.  
4.8 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 8, T40N, R9W, MDB&M.  
8.4 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 9, T40N, R9W, MDB&M.  
52.8 acres - Total

Oscar A. Lolax and Edlean R. Lolax

20.2 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 22, T41N, R9W, MDB&M.  
8.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 22, T41N, R9W, MDB&M.  
8.8 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 22, T41N, R9W, MDB&M.  
37.0 acres - Total

Long-Bell Lumber Company Int. Paper Co.

13.6 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 29, T41N, R9W, MDB&M.  
5.6 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 29, T41N, R9W, MDB&M.  
1.6 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 5, T40N, R9W, MDB&M.  
20.8 acres - Total

~~John H. Mason~~ and Eleanor A. Mason

2.0 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 15, T41N, R9W, MDB&M.  
18.2 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 15, T41N, R9W, MDB&M.  
26.8 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 15, T41N, R9W, MDB&M.  
12.4 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 15, T41N, R9W, MDB&M.  
25.6 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 15, T41N, R9W, MDB&M.

402-59

TABLE 5  
DESCRIPTION OF PLACES OF USE  
(continued)

John H. Mason and Eleanor A. Mason (continued)

1.6 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 15, T41N, R9W, MDB&M.  
15.3 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 22, T41N, R9W, MDB&M.  
32.4 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 22, T41N, R9W, MDB&M.  
134.3 acres - Total

W. H. Munson to Floyd Munson Dec. 1956

0.2 acre in SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 20, T41N, R9W, MDB&M.  
0.8 acre in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 20, T41N, R9W, MDB&M.  
1.0 acre - Total

J. D. Proctor and Ruth A. Proctor

6.4 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 29, T41N, R9W, MDB&M.  
11.2 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 29, T41N, R9W, MDB&M.  
2.8 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 29, T41N, R9W, MDB&M.  
3.8 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 32, T41N, R9W, MDB&M.  
0.2 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 32, T41N, R9W, MDB&M.  
2.8 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 32, T41N, R9W, MDB&M.  
16.0 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 32, T41N, R9W, MDB&M.  
4.0 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 32, T41N, R9W, MDB&M.  
5.2 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 32, T41N, R9W, MDB&M.  
3.5 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 32, T41N, R9W, MDB&M.  
1.4 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 32, T41N, R9W, MDB&M.  
\*4.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 32, T41N, R9W, MDB&M.  
61.3 acres - Total

Vernon M. Reichert

Domestic SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 28, T41N, R9W, MDB&M.

R. E. Richman and Vera M. Richman

12.0 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 2, T41N, R9W, MDB&M.  
6.0 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 2, T41N, R9W, MDB&M.  
22.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 2, T41N, R9W, MDB&M.  
25.2 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 2, T41N, R9W, MDB&M.  
14.8 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 2, T41N, R9W, MDB&M.  
40.0 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 2, T41N, R9W, MDB&M.  
42.0 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 2, T41N, R9W, MDB&M.  
16.4 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 2, T41N, R9W, MDB&M.  
17.6 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 3, T41N, R9W, MDB&M.  
42.4 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 3, T41N, R9W, MDB&M.

\* Denotes land irrigated outside of property line.



TABLE 5  
DESCRIPTION OF PLACES OF USE  
(continued)

R. E. Richman and Vera M. Richman (continued)

10.4 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 3, T41N, R9W, MDB&M.  
 2.0 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 3, T41N, R9W, MDB&M.  
 38.8 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 10, T41N, R9W, MDB&M.  
 4.8 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 10, T41N, R9W, MDB&M.  
 11.0 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 10, T41N, R9W, MDB&M.  
 29.2 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 11, T41N, R9W, MDB&M.  
 42.4 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 11, T41N, R9W, MDB&M.  
 20.2 acres in SW $\frac{1}{4}$  N $\frac{1}{2}$  of Section 11, T41N, R9W, MDB&M.  
12.0 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 11, T41N, R9W, MDB&M.  
 409.2 acres - Total

Marion F. Timmons

John T. Timmons and LeVerne Dillman

10.0 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 10, T41N, R9W, MDB&M.  
 18.6 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 10, T41N, R9W, MDB&M.  
 21.6 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 10, T41N, R9W, MDB&M.  
 1.8 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 10, T41N, R9W, MDB&M.  
 1.6 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 3, T41N, R9W, MDB&M.  
 3.2 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 3, T41N, R9W, MDB&M.  
22.0 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 3, T41N, R9W, MDB&M.  
 78.8 acres - Total

Charles F. Thompson

Domestic SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 28, T41N, R9W, MDB&M.

Carl F. Tuttle Sr., and Robert V. Tuttle

0.7 acre in SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 2, T41N, R9W, MDB&M.  
 5.0 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 2, T41N, R9W, MDB&M.  
 26.4 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 2, T41N, R9W, MDB&M.  
 26.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 2, T41N, R9W, MDB&M.  
 11.0 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 2, T41N, R9W, MDB&M.  
 35.2 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 2, T41N, R9W, MDB&M.  
 42.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 2, T41N, R9W, MDB&M.  
 42.0 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 2, T41N, R9W, MDB&M.  
 42.8 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 3, T41N, R9W, MDB&M.  
 43.6 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 3, T41N, R9W, MDB&M.  
 42.0 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 3, T41N, R9W, MDB&M.  
 36.0 acres in NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 3, T41N, R9W, MDB&M.  
 24.8 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 3, T41N, R9W, MDB&M.  
 17.0 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 3, T41N, R9W, MDB&M.  
 16.4 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 3, T41N, R9W, MDB&M.  
 1.2 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 3, T41N, R9W, MDB&M.  
 34.2 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 3, T41N, R9W, MDB&M.

TABLE 5  
DESCRIPTION OF PLACES OF USE  
(continued)

Carl F. Tuttle, Sr. and Robert V. Tuttle (continued)

40.0 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, T41N, R9W, MDB&M.
11.2 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, T41N, R9W, MDB&M.
3.2 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, T41N, R9W, MDB&M.
6.0 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, T42N, R9W, MDB&M.
8.0 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, T42N, R9W, MDB&M.
0.3 acre in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, T42N, R9W, MDB&M.
<u>4.0 acres in SW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math> of Section 35, T42N, R9W, MDB&amp;M.</u>
519.0 acres - Total

Southern Pacific Land Company

6.8 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, T41N, R9W, MDB&M.
<u>1.4 acres in SE<math>\frac{1}{4}</math> SE<math>\frac{1}{4}</math> of Section 21, T41N, R9W, MDB&amp;M.</u>
8.2 acres - Total

TABLE 6  
POINTS OF DIVERSION FROM FRENCH CREEK  
STREAM SYSTEM

Name of diversion system	: Number :	Approximate location of point of diversion				
	: of :	: Legal subdivi-	: Reference	: Bearing	: Distance	
	: on Divi-	: sion in which	: corner for	: from	: from	
	: sion of :	: diversion	: distance and	: reference:	: reference:	
	: Water :	: occurs	: bearing	: corner	: corner	
:Resources:	:	:	:	:in feet		
: Map :	: MDB&M.	: MDB&M.	:	:		
Fuglistaler French Creek Ditch	1	SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 8, T4ON, R9W	N $\frac{1}{4}$ Cor. Sec. 8, S 22° W T4ON, R9W	2050		
Fuglistaler Duck Lake Creek Ditch	2	NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 7, T4ON, R9W	NE Cor. Sec. 7, S 56° W T4ON, R9W	1650		
Tripp French Creek Ditch	3	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 5, T4ON, R9W	E $\frac{1}{4}$ Cor. Sec. 5, S 87° W T4ON, R9W	1200		
Cail French Creek Ditch	4	SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 5, T4ON, R9W	E $\frac{1}{4}$ Cor. Sec. 5, N 52° W T4ON, R9W	1200		
Proctor French Creek Ditch	5	SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 5, T4ON, R9W	E $\frac{1}{4}$ Cor. Sec. 5, N 38° W T4ON, R9W	1250		
Proctor Meadow Ditch	6	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec.32, T41N, R9W	SE Cor. Sec.32, N 48° W T41N, R9W	1300		
Proctor South Horse Range Creek Ditch	7	NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 5, T4ON, R9W	N $\frac{1}{4}$ Cor. Sec. 5, S 66° W T4ON, R9W	600		
Proctor North Horse Range Creek Ditch	8	NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 32, T41N, R9W	S $\frac{1}{4}$ Cor. Sec.32, N 16° W T41N, R9W	1500		
Proctor Domestic Horse Range Creek Ditch	8A	SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 32, T41N, R9W	S $\frac{1}{4}$ Cor. Sec.32, N 10° E T41N, R9W	1900		
Proctor Domestic Spring	9	SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 32, T41N, R9W	NE Cor. Sec.32, S 42° W T41N, R9W	1900		
Proctor Payne Lake Creek Ditch	10	SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 32, T41N, R9W	W $\frac{1}{4}$ Cor. Sec.32, N 86° E T41N, R9W	2700		
Proctor Domestic Payne Lake Creek Ditch	10A	SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.32, T41N, R9W	E $\frac{1}{4}$ Cor. Sec.32, N 30° W T41N, R9W	1900		
Bemrod Ditch	11	NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 32, T41N, R9W	NE Cor. Sec.32, S 60° W T41N, R9W	1450		
Proctor Spring	12	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 29, T41N, R9W	E $\frac{1}{4}$ Cor. Sec.29, S 23° W T41N, R9W	1000		

TABLE 6  
POINTS OF DIVERSION FROM FRENCH CREEK  
STREAM SYSTEM  
(continued)

Name of diversion system	Approximate location of point of diversion				
	Number of diversion on Divi- sion of Water Resources Map	Legal subdivi- sion in which diversion occurs MDB&M.	Reference corner for distance and bearing MDB&M.	Bearing from reference corner :	Distance from reference corner in feet :
Faustina Pump Proposed	12A	NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.20, T41N, R9W	W $\frac{1}{4}$ Cor. Sec.28, S 37° W T41N, R9W		980
Reichert Pump Proposed	12B	SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.28, T41N, R9W	W $\frac{1}{4}$ Cor. Sec.28, N 10° E T41N, R9W		500
Thompson Pump Proposed	12C	SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.28, T41N, R9W	W $\frac{1}{4}$ Cor. Sec.28, N 20° E T41N, R9W		600
Aker South Ditch	13	NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.28, T41N, R9W	N $\frac{1}{4}$ Cor. Sec.28, S 40° W T41N, R9W		1700
Aker North Ditch	14	NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.28, T41N, R9W	N $\frac{1}{4}$ Cor. Sec.28, S 39° W T41N, R9W		1200
Smith Lake Siphon	15	NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec.26, T41N, R10W	S $\frac{1}{4}$ Cor. Sec.26, N 39° E T41N, R10W		1650
Long-Bell Ditch	16	SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.29, T41N, R9W	W $\frac{1}{4}$ Cor. Sec.29, N 82° E T41N, R9W		1300
North Fork Ditch	17	SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.21, T41N, R9W	SW Cor. Sec.21, N 1° E T41N, R9W		1000
Caloia Upper North Fork Ditch	18	SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.21, T41N, R9W	SW Cor. Sec.21, N 52° E T41N, R9W		1100
Caloia Lower North Fork Ditch	19	SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.21, T41N, R9W	S $\frac{1}{4}$ Cor. Sec.21, N 52° W T41N, R9W		600
Company Ditch	20	NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.28, T41N, R9W	NE Cor. Sec.28, S 87° W T41N, R9W		1350
Caloia Upper Ditch	21	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec.21, T41N, R9W	SE Cor. Sec.21, N 37° W T41N, R9W		800
Caloia Middle Ditch	22	SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.22, T41N, R9W	SW Cor. Sec.22, N 11° E T41N, R9W		1250
Milk House Ditch	23	NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.22, T41N, R9W	W $\frac{1}{4}$ Cor. Sec.22, S 12° E T41N, R9W		1250

TABLE 6  
POINTS OF DIVERSION FROM FRENCH CREEK  
STREAM SYSTEM  
(continued)

Name of diversion system	Number of diversion: on Divi- sion of Water Resources: Map	Approximate location of point of diversion			
		Legal subdivi- sion in which diversion occurs MDB&M.	Reference corner for distance and bearing MDB&M.	Bearing from reference corner :	Distance from reference corner :in feet
Caloia Lower Ditch	24	NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.22, T41N, R9W	W $\frac{1}{4}$ Cor. Sec.22, S 77° E T41N, R9W		900
Lewis Lower South Ditch	25	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 8, T4ON, R9W	SE Cor. Sec. 8, N 12° W T4ON, R9W		1050
Lewis Upper South Ditch	26	NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 8, T4ON, R9W	E $\frac{1}{4}$ Cor. Sec. 8, S 10° W T4ON, R9W		1200
Lewis Lower West Ditch	27	NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 8, T4ON, R9W	SE Cor. Sec. 8, N 50° W T4ON, R9W		2300
Lewis Upper West Ditch	28	NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 8, T4ON, R9W	E $\frac{1}{4}$ Cor. Sec. 8, S 68° W T4ON, R9W		1900
Fuglistaler Miners Creek Ditch	29	SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 4, T4ON, R9W	S $\frac{1}{4}$ Cor. Sec. 4, N 45° E T4ON, R9W		100
Tripp Miners Creek Ditch	30	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec.33, T41N, R9W	SE Cor. Sec.33, N 75° W T41N, R9W		1200
Tripp House Spring	31	NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.33, T41N, R9W	N $\frac{1}{4}$ Cor.Sec.33, S 58° E T41N, R9W		1000
Tripp Stock Spring	32	NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.33, T41N, R9W	NE Cor.Sec.33, S 76° W T41N, R9W		700
Cail South Ditch	33	NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.34, T41N, R9W	NW Cor. Sec.34, S 28° E T41N, R9W		1300
Fuglistaler House Spring	34	SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.34, T41N, R9W	N $\frac{1}{4}$ Cor. Sec.34, S 22° W T41N, R9W		1900
Cail North Ditch	35	NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.34, T41N, R9W	NW Cor. Sec.34, S 15° E T41N, R9W		1500
Byers Ditch	35A	NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.27, T41N, R9W	Ctr. Sec. 27, N 18° W T41N, R9W		1500
Cory Ditch	36	SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.22, T41N, R9W	S $\frac{1}{4}$ Cor. Sec.22, N 45° W T41N, R9W		1000
Bemrod Pump Proposed	37	SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.22, T41N, R9W	S $\frac{1}{4}$ Cor. Sec.22, N 53° W T41N, R9W		1600

TABLE 6  
POINTS OF DIVERSION FROM FRENCH CREEK  
STREAM SYSTEM  
(continued)

Name of diversion system	: Number : : of : Approximate location of point of diversion			
	:diversion:	Legal subdivi- : on Divi- : sion of : : Water : :Resources: : Map :	sion in which : sion of : : occurs : : MDB&M.	: Reference : Bearing :Distance : corner for : from : from : distance and :reference:reference : bearing : corner : corner : : :in feet : MDB&M. : : :
Cory Spring	38	NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec.22, T41N, R9W	S $\frac{1}{4}$ Cor. Sec.22, N 2° E T41N, R9W	2300
Swamp Ditch	39	SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.22, T41N, R9W	W $\frac{1}{4}$ Cor. Sec.22, N 59°E T41N, R9W	1950
Mason Ditch	40	NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.22, T41 N, R9W	NW Cor. Sec.22, S 63° E T41N, R9W	1600
Mason House Spring	41	NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.22, T41N, R9W	N $\frac{1}{4}$ Cor. Sec.22, S 34° E T41N, R9W	1300
Mason Stock Spring	42	NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.22, T41N, R9W	N $\frac{1}{4}$ Cor. Sec.22, S 46° E T41N, R9W	1500
Richman Ditch	43	NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec.15, T41N, R9W	S $\frac{1}{4}$ Cor. Sec.15, N 13° W T41N, R9W	1800
Green Ditch	44	SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.15, T41N, R9W	N $\frac{1}{4}$ Cor. Sec.15, S 4° E T41N, R9W	2250
Long-Bell Pump	45	SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.15, T41N, R9W	N $\frac{1}{4}$ Cor. Sec.15, S 10° E T41N, R9W	1600
Berthelsen Spring	46	NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.15, T41N, R9W	N $\frac{1}{4}$ Cor. Sec.15, S 48° W T41N, R9W	550
Berthelsen-Ball Ditch	47	NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.15, T41N, R9W	NE Cor. Sec.15, S 70° W T41N, R9W	1600
Ball Ditch	47A	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec.10, T41N, R9W	NE Cor. Sec.15, N 20° W T41N, R9W	700
Browne Ditch	48	SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec.10, T41N, R9W	SE Cor. Sec.10, N 10° W T41N, R9W	700

TABLE 6  
POINTS OF DIVERSION FROM FRENCH CREEK  
STREAM SYSTEM  
(continued)

		: Number :	Approximate location of point of diversion			
		: of :				
		: diversion:	Legal subdivi-	: Reference	: Bearing	: Distance
		: on Divi-	sion in which	: corner for	: from	: from
		: sion of :	diversion	: distance and	: reference:	: reference
		: Water :	occurs	: bearing	: corner	: corner
		: Resources:		:	:	: in feet
		: Map :	MDB&M.	: MDB&M.	:	:
Timmons Upper Ditch	49		SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.10, T41N, R9W	E $\frac{1}{4}$ Cor. Sec.10, N 88° W T41N, R9W		2450
Timmons Middle Ditch	50		SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec.10, T41N, R9W	E $\frac{1}{4}$ Cor. Sec.10, N 89° W T41N, R9W		1100
Timmons Lower Ditch	51		SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.11, T41N, R9W	E $\frac{1}{4}$ Cor. Sec.10, N 4° E T41N, R9W		700
Richman Clarks Creek Ditch	52		SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec.11, T41N, R9W	N $\frac{1}{4}$ Cor. Sec.11, S 21° W T41N, R9W		1500

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED:

2 24.

3  
4 That this Court retain jurisdiction of the parties  
5 hereto, their successors in interest, and of the subject matter  
6 hereof, and also jurisdiction to review this or any further  
7 judgment or decree and to change or modify the same as the  
8 interests of justice may require, upon application of any party  
9 hereto or his successor in interest, or by the Court on its own  
10 motion.

11 25.

12  
13 That each and every party to this action, his or her  
14 agents, successors, grantees and assigns, be and they are hereby  
15 perpetually enjoined and restrained from doing anything in  
16 violation of the terms or provisions of this judgment, or  
17 diverting any water from said French Creek stream system at any  
18 time in violation of the terms hereof or in excess of a quantity  
19 of water reasonably necessary for and being put to beneficial use,  
20 or from doing anything, directly or indirectly, that will obstruct  
21 or interfere with any other right in this judgment adjudged and  
22 determined.

23 26.

24  
25 That this judgment superseded, and it hereby does  
26 supersede, all inconsistent former judgments and decrees as to  
27 the rights to the "natural flow" (as defined in Paragraph 7  
28 above) of the French Creek stream system. However, this judg-  
29 ment does not supersede rotation or ditch agreements consistent  
30 herewith.  
31



27.

IT IS FINALLY ORDERED, ADJUDGED AND DECREED that each party hereto shall pay his own costs in said cause.

Done this \_\_\_\_\_ day of \_\_\_\_\_, 1958.

Judge of the Superior Court